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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,424	10/11/2005	Karl Jones	UDL0171PUSA	2670
22045 7590 12/23/2009 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075				
EXAMINER BRADFORD, CANDACE L				
ART UNIT 3634		PAPER NUMBER		
MAIL DATE 12/23/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/537,424

**Applicant(s)**

JONES ET AL.

**Examiner**

CANDACE L. BRADFORD

**Art Unit**

3634

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 6-15, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 6-15, 19, 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

The request filed on 11/23/09 for a Request for Continuing Examination (RCE) under 37 CFR 1.114 is acceptable and an RCE has been established. Any previous finality is hereby withdrawn and a new action on the merits follows. Any newly-submitted claims have been added. An action on the RCE follows.

Candace, either object to claims 9, 10 and 20 or reject claims 9, 10, and 20 under 112, second paragraph for the reasons listed below:

Claim 9 depends on canceled claim 2. In claim 20, lines 3-4, there is no antecedent basis for "the tubular support section".

Comment [B1]:

#### *Claim Objections*

Claims 9 and 10 are objected to because of the following informalities: Claim 9 depends from cancelled claim 2. Appropriate correction is required.

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#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 recites the limitation "the tubular support section" in lines 3 and 4.

There is insufficient antecedent basis for this limitation in the claim.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

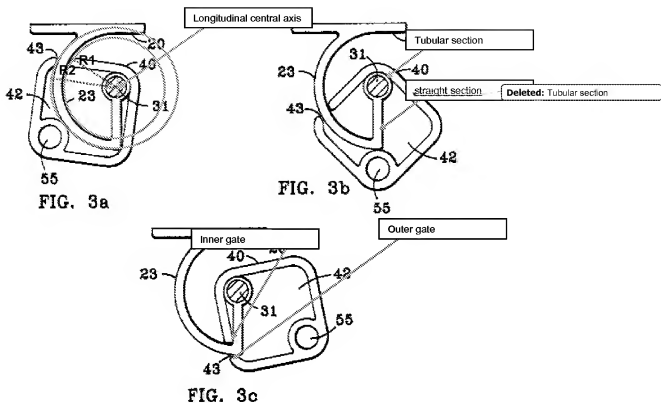
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles

(5979599). Noles discloses a traveler for a fall arrest system comprising a body 40, as best seen in Figures 3a and 3b, having a passage 42, therethrough, for receiving an elongate safety line 31 having a longitudinal central axis, the body also having a slot, 43 narrower than the passage and that links the passage to the exterior of the body, the body including a load member 55, suitable to attach the traveler to fall safety equipment, the body including an inner gate extending inwardly relative to the passage and the body also including an outer gate extending outwardly relative to the passage, the inner gate and outer gate having respective opposed convex surfaces defining the slot between them, and the traveler being arranged such that when the traveler is mounted on a support the inner gate and outer gate lie on respective concentric circles that have different radii  $R_1, R_2$ , and that are received within the passage, with the body pivoting about that longitudinal central axis with a straight section (as interpreted by the examiner, the straight section of the arm 23 is the member extending upwardly towards the support 20) of an arm of a support extending through the slot, as best seen in Figure 3b below.

**Comment [B2]:** Explain what portion represents the "straight section".



Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system comprising a safety line at least one support and a traveler, as best seen in Figures 3a-3c, in which the support comprises a support section retaining the safety line 31, and an attachment means for attaching the support to a structure, as best seen in Figure 8, the support having an arm that connects the support section and attachment means, the arm 23, having a straight

tangential section narrower than the safety line and extending substantially tangentially relative to the safety line, the traveler including a body having a passage 42, therethrough, for receiving an elongate safety line having a longitudinal central axis, the body also having a slot 43, that is narrower than the safety line and that links the passage to the exterior of the body, a load member 55, suitable to attach the traveler to fall safety equipment, body including an inner gate that extends inwardly within respect to the passage and the body also including an outer gate extending outwardly with respect to the passage, the inner gate and the outer gate having respective convex opposed surfaces defining the slot between them, and the inner gate and outer gate being arranged such that when the traveler is mounted on the support with the support within the passage of the traveler body **the straight tangential section** (as interpreted by the examiner, the straight section of the arm 23 is the member extending upwardly towards the support 20) the arm can pass through the slot, as best seen in Figure 3b above, and the inner and outer gate lie on respective concentric circles that have different radii and that are centered around the longitudinal central axis of the elongate safety line when received within the passage.

**Comment [B3]:** Explain what portion represents the "straight section".

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Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system, in which the support section 21, is a cylindrical tube.

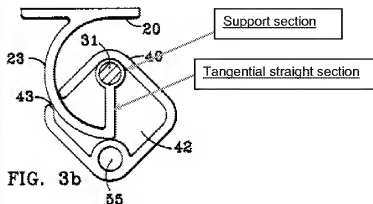
**Deleted:** according to any one of claim 2

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system, in which **the tangential section is**

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spaced below from the support section 21, as best seen in Figure 3b.

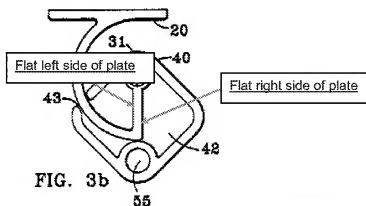
**Comment [B4]:** Explain how the tangential section is spaced from the support section.



Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system according to any one of claim 2, in which the tangential section is a flat plate, best seen in Figure 3b, the plate is flat on

**Comment [B5]:** Explain where the "flat plate" is shown in Noles.

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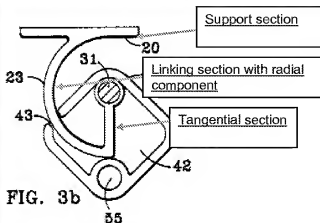


both the left and right sides.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system according to any one of claim 2, in

which the tangential section and the support section are connected by a linking section  
, the linking section extending in a direction having a radial component relative to said

Comment [B6]: Explain.



safety line. It should be noted that claim 9 depends from cancelled claim 2 and there is no antecedent basis for "the support section", as interpreted by the examiner the support section is the support 20.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a support according to claim 9, in which the attachment means, the straight tangential section and support section are integrally formed from a single plate, best seen in Figure 3b above.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system comprising a safety line, at least one support and a traveler 40, in which the support comprises an elongate tubular support section for retaining the safety line and having a longitudinal central axis, the support having an attachment means 20, for attaching the support to a structure, and also having an arm 23, that connects the support section and attachment means and that



has a straight section narrower than the safety line and extending substantially tangentially relative to the safety line, and the traveler including a body having a passage 42, therethrough for receiving the elongate safety line which has a longitudinal central axis that is concentric with the longitudinal central axis of the tubular support section when the traveler is mounted on the support, the body having a slot 43, narrower than the safety line and linking the passage to the exterior of the body and the body also having a load member 55, suitable to attach the traveler to fall safety equipment, the slot being formed between an inner gate extending inwardly relative to the passage and an outer gate extending outwardly relative to the passage, the inner gate and the outer gate having respective opposed convex surfaces defining the slot between them, the inner gate and outer gate each extending for a distance along a respective concentric circles of different radii, centered on the longitudinal central axis of the support section when the traveler is mounted on the support and the inner and outer gate being arranged such that when the traveler is mounted on the support within the passage the straight section of the arm can pass through the slot, while permitting the pivoting of the body about the longitudinal central axis of support, as best seen in Figures 3a-3c.

Comment [87]: Explain.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a traveler for a fall arrest system comprising, a body having a passage 42, therethrough, for receiving the elongate safety line 31, which has a longitudinal central axis that is concentric with the longitudinal central axis of the tubular support section when the traveler is mounted on the support, the body having a slot 43,

that is narrower than the passage and that links the passage to the exterior of the body, and the body having a load member 55, suitable to attach the traveler to the fall safety equipment, the body including an inner gate extending inwardly relative to the passage and an outer gate extending outwardly relative to the passage, the inner and outer gate having opposed convex surfaces defining the slot, and the traveler being arranged such that the inner gate and the outer gate each extend to lie on respective concentric circles of different radii, centered on the central axis of the support section when the traveler is mounted on the support such that the body can pivot about the longitudinal central axis

with a straight section (as interpreted by the examiner, the straight section of the arm 23 is the member extending upwardly towards the support 20) of an arm of a support extending through the slot, as best seen in Figure 3c. it should be further noted that in Figures 3a-3c the body is being pivoted about the longitudinal central axis.

Comment {BB}: Explain.

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#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noles (5979599). Noles discloses an a traveler according to claim 1, in which the traveler has a wheel 35, but fails to disclose a traveler with multiple wheels arranged in tandem so that the traveler can be mounted on the wheels on a safety line passing through the passage. It would have been considered obvious to one of ordinary skill in the art, at

the time the invention was made, to have multiple wheels, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, and multiple wheels would obviously provide more stability and control.

**Comment [B9]:** Place a period after "control".

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noles (5979599). Noles further discloses a traveler according to claim 11, in which the load member 55, is located below said wheels 35 when the traveler is mounted on the wheels on a safety line 32, as best seen in Figure 6. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have multiple wheels, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, and multiple wheels would obviously provide more stability and control. If there were two wheels, then inevitably the load member would be located between the wheels when the traveler is mounted on the wheels on the safety line.

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Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noles (5979599). Noles further discloses a traveler according to claim 12, in which the load member 55, is a closed aperture passing through the body.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noles (5979599) in view of Riches et. al. (5279385). Noles further discloses a traveler according to claim 13, in which the wheels 35 are arranged for rotation about respective parallel axes, but fails to disclose the aperture having a flat lower surface extending parallel to a plane in which said axes lie. Riches et. al. teaches the utility of an aperture

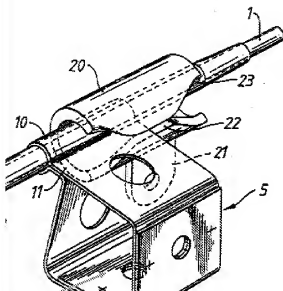
**Comment [B10]:** Explain where Noles shows a flat surface, the hold appears to be round.

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having a flat lower surface as best seen in Figure 6.



Aperture with flat lower surface

The use of an aperture having a flat surface is commonly used in the art to allow for a variety of load member attachments of various sizes and shapes to be connected to the apparatus. Therefore, it would have been obvious to one of ordinary skill in the art to provide the load member of Noles with an aperture having a flat lower surface as taught by Riches et. al. so as to allow for a variety of load member attachments of various sizes and shapes to be connected to the apparatus. It would be further obvious that if there were two wheels, then inevitably

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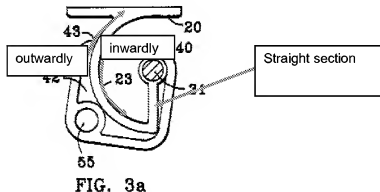
they would be located to rotate about parallel axes, or else the invention would not work.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noles (5979599). Noles further discloses a traveler according to claim 14, in which said axes

are symmetrically arranged about a longitudinal centre line of the traveler and said lower surface lies on said centre line, as best seen in Figure 3b.

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. It should be noted that the examiner has now used the embodiment show in Figures 3a-3c to reject the claims as advanced above. The applicant's attention is drawn to page 9 of the remarks. The applicant states the inner and outer gates do not extend inwardly and outwardly respectively. The examiner would like to note that as best seen in the marked-up figure, the outer gate extends outwardly towards the outer surface of the arm relative to the passage, the inner gate extends inwardly towards the inner surface of the arm relative to the passage



The applicant states the curvilinear portion 23 must be curved and cannot be straight.

The examiner would like to note that that the entire member 23 is not curved, there is a straight section of 23 to which the examiner has interpreted as the "straight section".

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDACE L. BRADFORD whose telephone number is (571)272-8967. The examiner can normally be reached on 9am until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Candace L. Bradford /Brian K. Green/  
Patent Examiner Primary Examiner  
Art Unit 3634  
December 13, 2009

Deleted: Patent Examiner  
Art Unit 3634  
December 13, 2009